

ENTERED

September 11, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

CHRISTINE SAMANTHA NERI,

Plaintiff,

VS.

CITY OF SAN BENITO, TEXAS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:23-CV-00156

ORDER ADOPTING REPORTS AND RECOMMENDATIONS

Plaintiff Christine Neri trains police dogs and alleges that she suffered injuries when a police dog from the City of San Benito Police Department attacked her. She filed this action against the City and an officer, Rendell Stansbury, who was the dog's partner at the time of the incident. In addition to alleging causes of action for alleged violations of her rights under the United States Constitution, she brings a claim under the Texas Tort Claims Act. (Am. Compl., Doc. 15)

The City and Stanbury each filed a motion to dismiss, with the latter claiming the protections of qualified immunity. (City Mot., Doc. 16; Stansbury Mot., Doc. 17)

A United States Magistrate Judge issued two Reports and Recommendations. As to Stansbury, the Magistrate Judge recommends that the Court dismiss all claims against him on the basis of qualified immunity. (Stansbury R&R, Doc. 26) As to the City, the Magistrate Judge recommends the dismissal of all federal claims for failure to state a claim upon which relief can be granted. (City R&R, Doc. 25) The Magistrate Judge also recommends that the Court decline supplement jurisdiction over the remaining state law claim and dismiss that cause of action without prejudice. (*Id.*)

No party filed objections to the Reports and Recommendations, and the Court finds no clear error within either of them. *See* FED. R. CIV. P. 72(b), Advisory Comm. Note (1983) ("When

no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

As a result, the Court **ADOPTS** each Report and Recommendation (Doc. 25, 26). It is:

ORDERED that Defendant City of San Benito’s Rule 12 Motion to Dismiss for Failure to State a Claim for Relief as to Plaintiff’s First Amended Complaint (Doc. 16) is **GRANTED**;

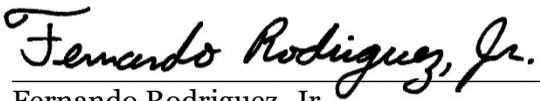
ORDERED that Defendant Rendell Stansbury’s Rule 12 Motion to Dismiss for Failure to State a Claim for Relief as to Plaintiff’s First Amended Complaint (Doc. 17) is **GRANTED**;

ORDERED that all causes of action that Plaintiff Christine Samantha Neri alleges against the City of San Benito and Rendell Stansbury under federal law are **DISMISSED WITH PREJUDICE**; and

ORDERED that all causes of action that Plaintiff Christine Samantha Neri alleges against the City of San Benito under Texas law are **DISMISSED WITHOUT PREJUDICE** to refiling.

The Court shall issue a Final Judgment in accordance with this Order as to the causes of action based on federal law.

Signed on September 11, 2024.


Fernando Rodriguez, Jr.
United States District Judge